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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

-----X  
Commodity Futures Trading Commission,

Plaintiff,

v.

**Civil Action No. 04 CV 1512**

Equity Financial Group LLC,  
Tech Traders, Inc., Tech Traders, Ltd.,  
Magnum Investments, Ltd., Magnum  
Capital Investments, Ltd., Vincent J. Firth,  
Robert W. Shimer, Coyt E. Murray, and  
J. Vernon Abernethy,

Honorable Robert B. Kugler

**NOTICE OF MOTION**

Motion Date: December 17, 2004

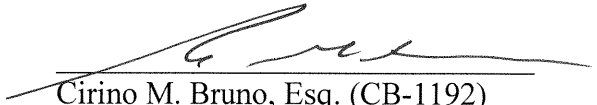
Defendants.

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**TO: SEE ATTACHED SERVICE LIST**

**PLEASE TAKE NOTICE** that on December 17, 2004 at 9:30 a.m. or as soon thereafter counsel may be heard, I shall appear before the Honorable Ann Marie Donio, or such other Judge as may be sitting in her place and stead, in the Courtroom usually occupied by her in the Mitchell H. Cohen Federal Building, 400 Cooper Street, Camden, New Jersey and then and there present **Gusrae Kaplan & Bruno, PLLC's Motion to Withdraw as Counsel for the Tech Traders Entities**, copies of which are hereby served upon you. Any response or objection regarding the motion shall be filed and served on or before December 7, 2004.

Dated: November 17, 2004

Respectfully submitted,

  
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Cirino M. Bruno, Esq. (CB-1192)  
**GUSRAE, KAPLAN & BRUNO, PLLC**  
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Magnum Investments, Ltd.*  
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Commodity Futures Trading Commission,

Plaintiff,

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**Civil Action No. 04 CV 1512**  
Hon. Robert B. Kugler

Equity Financial Group LLC,  
Tech Traders, Inc., Tech Traders, Ltd.,  
Magnum Investments, Ltd.,  
Magnum Capital Investments, Ltd.,  
Vincent J. Firth, Robert W. Shimer,  
Coyt E. Murray and J. Vernon Abernethy,

Defendants.

-----X

**DECLARATION OF CIRINO M. BRUNO, ESQ.  
IN SUPPORT OF GKB'S MOTION  
TO WITHDRAW AS COUNSEL  
FOR THE TECH TRADERS ENTITIES**

**CIRINO M. BRUNO, ESQ.**, an attorney duly admitted to this Court, declares the following under penalty of perjury:

1. I am admitted to practice before this Court, and I am a member of the law firm of Gusrae, Kaplan & Bruno, PLLC ("GKB"), the attorneys of record for Defendants Tech Traders, Inc., Tech Traders, Ltd., Magnum Capital Investments, Ltd., Magnum Investments, Ltd. (collectively, the Tech Traders Entities) and Coyt E. Murray ("Murray") in the above-captioned

matter. I submit this affidavit in support of GKB's motion to withdraw as counsel for the Tech Traders Entities. I am fully familiar with the facts and circumstances alleged herein.

2. The Plaintiff, through its First Amended Complaint dated June 24, 2004 (the "Amended Complaint"), seeks an order of permanent injunction be issued against the Tech Traders Entities, Murray and other defendants, among other requested relief. In their Amended Complaint, the Plaintiff alleges the Tech Traders Entities to be a common enterprise and further alleges that Murray is a principal of one or more of the underlying entities of this common enterprise. (*See* Amended Complaint at ¶¶ 1.c.i – iv, 1.f.)

3. Without a hearing and without admitting or denying the substantive allegations of the Amended Complaint herein, the Tech Traders Entities and Murray, consented to the entry of a preliminary injunction against them which was so ordered by the Hon. Robert B. Kugler on August 24, 2004 (the "Consent Order of Preliminary Injunction").

4. This matter is currently in the discovery stage.

5. The differing interests of Murray and the Tech Traders Entities have become increasingly evident to GKB. A conflict has evolved and now exists between GKB's representation of Murray and its representation of the Tech Traders Entities.<sup>1</sup> As such, GKB can no longer represent Tech Traders Entities while continuing its representation of Murray.

6. This conflict manifests itself in many ways which can be currently identified, and in additional ways which will undoubtedly flow from future events in this matter. The current conflict issues include, among others:

(a) The identification and preparation of individuals to testify for the Tech Traders Entities pursuant to Rule 36(b)(6) of the F.R.C.P.; and

(b) The identification and analysis of corporate events which undoubtedly involve the potential for fact patterns that are inconsistent with Mr. Murray's interests.

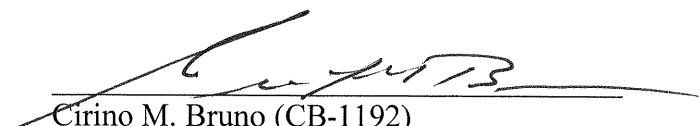
7. Since Mr. Bobo has been appointed Equity Receiver for all the Tech Traders and Mr. Murray by this Court, a question exists as to whom this firm actively answers, Mr. Murray or Mr. Bobo. They clearly represent conflicting interests. Mr. Murray has inconsistent interest with the Tech Traders entities.

8. This conflict of interest has been disclosed to Murray and to Mr. Bobo on behalf of the Tech Traders Entities. As GKB's primary contact is Murray, it respectfully requests leave of this Court to withdraw as counsel for the Tech Traders Entities. Murray has consented to this motion brought by GKB.

9. Under the NJ Rules of Professional Conduct – a lawyer cannot represent a client where a concurrent conflict of interest exists with another client (RPC 1.7 Conflict of Interest) without informed written consent by each client.

**WHEREFORE**, GKB respectfully requests that this Court grants leave to GKB to withdraw as counsel of record for the Tech Traders Entities and for such other and further relief as this Court deems just, equitable and proper.

Dated: New York, New York  
November 17, 2004



Cirino M. Bruno (CB-1192)

**GUSRAE, KAPLAN & BRUNO, PLLC**  
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*Magnum Investments, Ltd.*  
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<sup>1</sup> The appointment of Stephen T. Bobo as Equity Receiver for all of the Tech Traders Entities, with full powers as the Equity Receiver under the law arguably renders GKB's continued representation inappropriate without a new retainer and consents by the parties to the conflict.

**CERTIFICATE OF SERVICE**

I, Justin H. Cohen, Esq. hereby certify that on November 17, 2004, I caused true copies of the foregoing **Notice of Motion and Declaration of Cirino M. Bruno, Esq. in Support of GKB's Motion to Withdraw as Counsel for the Tech Traders Entities** to be served upon the following addressees by overnight delivery:

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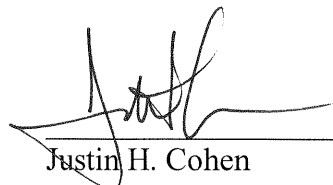
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Justin H. Cohen

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